

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figures 1, 2A and 2B. These sheets, which include Figures 1, 2A and 2B, replaces the original sheets including Figures 1, 2A and 2B.

Attachment: Replacement Sheets

REMARKS

In the ***non-final*** Office Action mailed June 4, 2010 the Office noted that claims 29-65 were pending and rejected claims 29-65. In this amendment, claims 29-42 and 57-64 have been amended, claims 43-56 and 65 have been canceled, claims 66-74 are new, and, thus, in view of the foregoing claims 29-42, 57-64 and 66-74 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE SPECIFICATION

The disclosure stands objected to for informalities. In particular, the Office asserts that the Specification lacks section headers. The applicants submit herewith a replacement specification in clean and marked-up form including section headings. The Applicants submit that no new matter is believed to have been added by the amendment of the Specification.

Withdrawal of the objection is respectfully requested.

OBJECTION TO THE DRAWINGS

The drawings stand objected to. In particular the Office asserts that drawings do not contain descriptive legends. The Applicants submit herewith a replacement Fig. 1 to overcome the rejection. The Office also asserts that reference mark 211 shown in Figs. 2A-B is not described in the Specification. The

Applicants have amended the Specification to overcome the objection. The Applicants submit that no new matter is believed to have been added by the amendment of the Specification or drawings.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 40-56 and 65 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicants have canceled claims 43-56 and 56.

Claim 42 has been amended to use the term quickest as described in ¶ 0197 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Claims 40-42 have been made dependent from claim 37.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 29-37, 40, 42-51, 54, and 56-65 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Baudino, U.S. Patent Publication No. 2006/0123081. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

On pages 6 and 7 the Office asserts that Baudino ¶¶ 005;

0026 and 0034-0038 disclose all the features of the claim 29.

However, Baudino teaches a process to built a "common virtual profile" (§§ 0005 and 0034), "complete profile" (§ 0026) or "bigger profile (§ 0034).

For example, Baudino § 0026 states "[t]he parameters of the complete profile created based on the user learning can then be exchanged among similar devices creating a seamless learning/profile exchange network".

The next sentence of Baudino § 0026 states

As noted examples above, devices providing media content such as TV's, HD cable receivers, digital set-top boxes, home theatre systems can contribute to the seamless profile/learning portability aspects herein by collecting and providing a user's favorites/preferences in a list of movies, TV series etc., or a user habits (volume, network selected, etc), or a user's preferred features (from the device), or a user's taste and watching behaviors, or a profile based on all the information collected from the user.

Similarly, Baudino § 0030 states "[t]his common standard allows the devices to share the profiles among many different devices ..."

Thus, Baudino only teaches that a device may learn the user's ways to interact with it, to share the resulting favorite/preference data and to aggregate this information into a complete user profile.

Baudino does not describe, teach or suggest to provide a virtual server (aggregated lists) indexing each medias available on a network that a device is authorized and able to give access to the content.

To the contrary, the present invention provides, to give access to any user, from a device, to all media that said device may give access to, independently of the user.

To emphasis these differences the Applicants have amended claim 29 to recite "**A process** of data exchange between **a first device and at least one other device** linked to a network, that comprises: a step of searching, by each of at least **said** devices, for **one all media having** media type representing at least one type of physical entity, **said media being** directly accessible by said device, **said media type allowing the first device to give to a user access to the content of said media having said media type, to provide at least one list representing media that said first device giving the user access to the content;** a step of transmitting, by each **other** device having carried out said search step to at least **the first** device **each** list representing media found **by** said **other** device during the search step; and a step of aggregating, **at least one list** of media **listed in one transmitted list independently** of the device where said media are located." (Emphasis added) Support for the amendment may be found, for example, in the dependent claims and ¶ 0100 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

The Applicants submit Baudino fails to disclose the features of the amended claims.

For at least the reasons discussed above, claim 29 and the claims dependent therefrom are not anticipated by Baudino.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 38, 41, 52, and 55 stand rejected under 35 U.S.C. § 103(a) as being obvious over Baudino in view of Chin, U.S. Patent Publication No. 2003/0137605. The Applicants respectfully disagree and traverse the rejection with an argument.

Chin adds nothing to the deficiencies of Baudino as applied to the independent claim above. Therefore, Baudino and Chin, taken separately or in combination, fail to render obvious the features of claims 38 and 41.

Claims 39 and 53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Baudino in view of O'Donnell, U.S. Patent Publication No. 2003/0137605 and in further view of Case, U.S. Patent Publication No. 2006/0136173. The Applicants respectfully disagree and traverse the rejection with an argument.

O'Donnell and Case add nothing to the deficiencies of Baudino as applied to the independent claim above. Therefore, Baudino, O'Donnell and Case, taken separately or in combination, fail to render obvious the features of claims 39.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claims 66-74 are new. Support for claims 66-74 may be found through out the specification and the cancelled claims. The Applicants submit that no new matter is believed to have been added by the amendment of the claims. The Applicants submit that the features of the claims are not taught or disclosed by the prior art.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 29-42, 57-64 and 66-74 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/ James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg.No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/jr

**APPENDIX:**

The Appendix includes the following items:

- ☒ - Replacement Sheets for Figures 1, 2A and 2B of the drawings
- ☒ - a Substitute Specification and a marked-up copy of the originally-filed specification